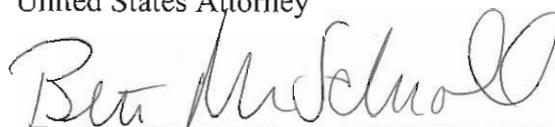


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :  
: Plaintiff, :  
v. : Criminal Action No. 05-27-KAJ  
: Defendant.

**MOTION AND ORDER TO DISMISS**

The United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Beth Moskow-Schnoll, Assistant United States Attorney for the District of Delaware, hereby moves this Honorable Court to dismiss Count Two of the Indictment, as to this defendant, pursuant to a Memorandum of Plea Agreement.

COLM F. CONNOLLY  
United States Attorney  
BY:   
Beth Moskow-Schnoll  
Assistant United States Attorney

Dated: November 10, 2005

IT IS SO ORDERED this 10<sup>th</sup> day of Nov., 2005.

  
HONORABLE KENT A. JORDAN  
United States District Court Judge